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Docket No.: 198978US2

OBLON  
SPIVAK  
McCLELLAND  
MAIER  
&  
NEUSTADT  
P.C.  
  
ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 09/695,992

Applicants: Hiroshi TAKAHASHI, et al.

Filing Date: October 26, 2000

For: IMAGE PROCESSING METHOD, IMAGE  
PROCESSING APPARATUS AND RECORDING  
MEDIUM

Group Art Unit: 2626

Examiner: Scott A. ROGERS

SIR:

Attached hereto for filing are the following papers:

**PROVISIONAL ELECTION**

Our check in the amount of **\$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

*Kurt M. Berger*  
\_\_\_\_\_  
Gregory J. Maier  
Registration No. 25,599

Customer Number

**22850**

(703) 413-3000 (phone)

(703) 413-2220 (fax)

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Kurt M. Berger, Ph.D.  
Registration No. 51,461

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

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HIROSHI TAKAHASHI, ET AL.

: EXAMINER: SCOTT A. ROGERS

SERIAL NO: 09/695,992

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PROVISIONAL ELECTION

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ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement dated October 6, 2004, Applicants provisionally elect, with traverse, Species A, directed to an image processing apparatus, for examination on the merits in the present application. Claims 1-27, 33, 37, and 43 read on elected Species A, with Claims 1-26 being generic. Applicants make this election based on the understanding that Applicants are not prejudiced against filing one or more divisional applications that cover the non-elected claims.

M.P.E.P. § 803 states the following:

...If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

In this regard, Applicants note that the Office Action has not identified separate classifications for the indicated species. Accordingly, it is respectfully submitted that there is no serious burden in searching and examining the entire application.

Further, since electronics searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without any additional effort. As patents and other publications in this art often contain descriptions of multiple species, information as to multiple species can be found in the same publication. It is thus very likely that patents and publications in the field of one species will have descriptions of another species, greatly facilitating the prior art search and the consideration of both species. Accordingly, Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a serious burden on the examiner, whereas it would be a serious burden to Applicants to prosecute and maintain separate applications on the restricted inventions.

Therefore, it is respectfully requested that the requirement to elect a single species be withdrawn and that a full examination on the merits of Claims 1-73 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

*Kurt M. Berger*

Gregory J. Maier  
Attorney of Record  
Registration No. 25,599  
Kurt M. Berger, Ph.D.  
Registration No. 51,461

Customer Number

22850

Tel: (703) 413-3000

Fax: (703) 413 -2220

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